

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

DEFENDANTS' MOTION TO SEAL

Pursuant to Rule 26 of the Federal Rules of Civil Procedure and Local Civil Rule 5(C), Defendants (“Cox”) move the Court to enter an order allowing Cox to file under temporary seal a portion of Defendants’ Reply Memorandum of Law in Support of Their Motion for Discovery Sanctions and to Preclude Plaintiffs’ Use of MarkMonitor Evidence (ECF No. 364) (“Reply Memorandum”), Exhibits A-D to the supporting Declaration of Thomas Kearney (“Kearney Declaration”) (ECF Nos. 364-2 to 364-5), Exhibit A to the supporting Declaration of Michael L. Brody (“Brody Declaration”) (ECF No. 364-7), Exhibit B to the supporting Declaration of Lynne J. Weber, Ph.D. (“Weber Declaration”) (ECF No. 364-10), those portions of the Declarations citing these exhibits (ECF Nos. 364-1, 364-6, and 364-8), and portions of the supporting Declaration of Dr. Nick Feamster (ECF No. 364-11). The Reply Memorandum and these exhibits contain documents and information that have been designated under the Stipulated Protective Order in this case (ECF No. 58) (the “Protective Order”) by Plaintiffs and/or third party witnesses as Highly Confidential – Attorneys’ Eyes Only.

- Exhibits B.1, B.2, and B.3 to the Weber Declaration, Exhibits B-D to the Kearney Declaration, and Exhibit A to the Brody Declaration, were designated or contain data

from documents designated by Plaintiffs as Highly Confidential – Attorneys’ Eyes Only.

- Exhibits B.2 and B.3 to the Weber Declaration, Exhibit A to the Kearney Declaration, and Exhibit A to the Brody Declaration were designated or contain data from documents designated by third party MarkMonitor as Highly Confidential – Attorneys’ Eyes Only.

Cox takes no position on whether the above-referenced documents and information that are the subject of this motion are confidential. Rather, Cox files this Motion for the above-referenced documents based on Plaintiffs’ designations. Thus, Local Civil Rule 5(C) provides that “[w]hen a party moves to file material under seal because another party has designated that material as confidential, the party designating the material as confidential must file a response to the motion,” which includes:

1. “A statement why sealing is necessary, and why another procedure will not suffice, as well as appropriate evidentiary support for the sealing request.” L. Civ. R. 5(C)(2).
2. “References to the governing case law, an analysis of the appropriate standard to be applied for that specific filing, and a description of how that standard has been satisfied.” L. Civ. R. 5(C)(3).
3. “Unless permanent sealing is sought, a statement as to the period of time the party seeks to have the matter maintained under seal and how the matter is to be handled upon unsealing.” L. Civ. R. 5(C)(4).
4. A proposed order.

Dated: September 20, 2019

Respectfully submitted,

/s/ Thomas M. Buchanan
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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2019, the foregoing was filed and served electronically by the Court's CM/ECF system upon all registered users.

/s/ Thomas M. Buchanan

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